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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91171281
Party	Plaintiff PomWonderful LLC
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Date	08/31/2011
Attachments	Consent Motion for Suspension for Settlement and Second Status Report re Jarrow 054941.pdf (4 pages)(28388 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PomWonderful LLC	)	Opposition (Parent) No.: 91171281
)	
Opposer,)	
	)	CONSENT MOTION FOR SUSPENSION
v.	)	OF PROCEEDINGS FOR SETTLEMENT
	)	AND SECOND STATUS REPORT
Jarrow Formulas, Inc.,)	
	)	Marks and Related (Consolidated) Proceedings:
	)	Opp. No. 91171281 (Parent) re POM ^{AMAZING}
Applicant.	)	Opp. No. 91191283 re POME GREAT
	)	Opp. No. 91171284 re POMESYNERGY
	)	Opp. No. 91173117 re POMOPTIMIZER
	)	Opp. No. 91173118 re POMGUARD
	)	Opp. No. 91186414 re POMEZOTIC
	)	Opp. No. 91191995 re PRICKLYPOM
	)	Opp. No. 91194226 re POM and POM

Opposer PomWonderful LLC (“Pom”), with the consent of Jarrow Formulas, Inc. (“Jarrow”), originally filed a Consent Motion to Suspend this consolidated proceeding by 180 days two days ago on August 29, 2011. This suspension was requested solely for purposes of focusing the parties’ time, energy and resources to settling this matter and not for purposes of delay.

Opposer, who filed the Consent Motion, inadvertently failed to include this Status Report, which was ordered by the Board on February 22, 2011 (see Order, Footnote 1). In compliance with the Board’s Order, the Parties hereby advise the Board as follows.

Since the parties last requested an extension of time on February 16, 2011, counsel for both parties have received instructions from their respective clients regarding settlement of the U.S. portion of this dispute along the lines of what had previously been exchanged as a “bullet point list” of general settlement terms. Essentially, a “settlement in principle” has been reached.

However, because of the complications of this case, the parties are still working through drafts of the settlement agreement and negotiating final wording of the finer points of the agreement. With the Summer months bringing on travel for counsel and parties alike, conferring with clients has been a bit delayed. However, a draft agreement was exchanged again in the last week and the parties do believe they are coming close to the wording for a final agreement.

As stated in a previous status report, the issues between the Parties in this proceeding are complicated, however, because this proceeding involves (a) multiple trademark applications applied for and owned by both Pom and Jarrow; (b) actual use in commerce of many of the marks at issue by both Pom and Jarrow; and (c) a number of related opposition proceedings in Canada involving similar issues, some of the same marks, actual use in commerce of some of the marks, and where a third-party is also involved.

Also as stated in a previous status report, although the Board requested a recitation of the issues that have been resolved and those that remain to be resolved, Counsel cannot disclose the current proposal as it has been deemed confidential by the Parties and if disclosure were required it would be counter-productive to settlement. However, as counsel previously disclosed, the parties have recognized that the issues in Canada will be resolved separately.

Therefore, at this time, the Parties' time, energy and resources remain better spent resolving the U.S. issues and not tending to the many discovery issues that would be raised should this proceeding not be suspended.

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Counsel for Pom has discussed this Motion with counsel for Jarrow Formulas, Inc. and Jarrow Formulas, Inc. consents to this Motion for suspension of the proceeding for 90 days.¹

Respectfully submitted:

DATED: August 31, 2011

ROLL LAW GROUP P.C.

By: /s/ Danielle M. Criona/s/
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¹ The Consent Motion inadvertently filed on August 29, 2011 indicated suspension of the proceeding for 180 days. However, the suspension should be for 90 days.

CERTIFICATE OF SERVICE

I, Danielle Criona, hereby certify that a copy of **CONSENT MOTION FOR
SUSPENSION OF PROCEEDINGS FOR SETTLEMENT AND SECOND STATUS
REPORT** has been served upon attorneys for Applicant via email, as agreed to by the parties:

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Date: August 31, 2011

By: /s/Danielle M. Criona/s/

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